

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

-----X
TIMOTHY ARMSTRONG,

Plaintiff,

-against -

ROMAN CATHOLIC DIOCESE OF SYRACUSE and
ST. MARY'S CHURCH,

Defendants.

-----X

To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,
ONONDAGA COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a)
AND 306(a).**

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 
Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

TO:
ROMAN CATHOLIC DIOCESE OF SYRACUSE
240 E Onondaga St
Syracuse, NY 13202

ST. MARY'S CHURCH
59 N Main St
Cortland, NY 13045

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

Index No.: _____/19

-----X

TIMOTHY ARMSTRONG,

Plaintiffs,
-against -

**VERIFIED
COMPLAINT**

**ROMAN CATHOLIC DIOCESE OF SYRACUSE and
ST. MARY'S CHURCH,**

Defendants.

-----X

Plaintiff(s), above named, complaining of the defendants, by **MERSON LAW, PLLC.**, respectfully allege(s):

NATURE OF THE CLAIM

1. This is a case of a sexual predator, Father Daniel Casey ("Casey"), being permitted to sexually abuse young children at church by the Roman Catholic Diocese of Syracuse (the "Diocese").
2. Casey was a priest at St. Mary's Church in Cortland, New York which was part of the Diocese. Father Daniel Casey was known among the community and the children as a sexual predator.
3. Despite the Diocese's knowledge that Casey sexually abused children and/or had the propensity to sexually abuse children, the Diocese allowed Casey unfettered access to children.
4. Beginning in approximately 1984 and continuing until about 1985, while under the scope of employment with the Diocese and while acting on behalf of the Diocese, Casey would recruit and/or solicit plaintiff Timothy Armstrong, then 10 years old, and other young

boys on outings to the YMCA or the physical education center at the State University of New York at Cortland and other venues. On the outings, Father Casey would isolate Mr. Armstrong in the locker room, hug him, kiss him, force him to shower naked with him, force him to make contact with his penis and otherwise sexually abuse him.

5. Mr. Armstrong was sexually abused by Father Casey approximately 12 times.
6. Mr. Armstrong brings this lawsuit to recover for the emotional and physical suffering he incurred because of the negligence of the Roman Catholic Diocese of Syracuse and St. Mary's Church and to make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.

PARTIES

7. At all times herein mentioned defendant **ROMAN CATHOLIC DIOCESE OF SYRACUSE** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
8. At all times herein mentioned, defendant **ROMAN CATHOLIC DIOCESE OF SYRACUSE** was located at 240 E. Onondaga Street, Syracuse, New York 13202.
9. At all times herein mentioned, Casey was a priest operating under the direction and control of defendant **ROMAN CATHOLIC DIOCESE OF SYRACUSE**, and its agents, servants and/or employees.
10. At all times herein mentioned, Casey was an agent, servant and/or employee of defendant **ROMAN CATHOLIC DIOCESE OF SYRACUSE**.
11. At all times herein mentioned defendant **ST. MARY'S CHURCH** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.

12. At all times herein mentioned, defendant **ST. MARY'S CHURCH** was located at 59 N Main St, Cortland, NY 13045.
13. At all times herein mentioned, Casey was a priest operating under the direction and control of defendant **ST. MARY'S CHURCH**, and its agents, servants and/or employees.
14. At all times herein mentioned, Casey was an agent, servant and/or employee of defendant **ST. MARY'S CHURCH**.
15. At all times herein mentioned, Defendants **ROMAN CATHOLIC DIOCESE OF SYRACUSE** and the **ST. MARY'S CHURCH**, were agents, servants, employees and/or alter egos of each other.

FACTS OF THE CASE

16. Defendants **ROMAN CATHOLIC DIOCESE OF SYRACUSE's** and **ST. MARY'S CHURCH's** negligence and recklessness allowed, caused, encouraged and/or permitted Casey have access to children, including on Diocese premises, despite its knowledge that Casey sexually abused children and/or had the propensity to do so, and therefore is responsible for the injuries that Plaintiff incurred because but for Defendants **ROMAN CATHOLIC DIOCESE OF SYRACUSE's** and **ST. MARY'S CHURCH's** negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Casey. Defendants **ROMAN CATHOLIC DIOCESE OF SYRACUSE's** and **ST. MARY'S CHURCH's** gross negligence, reckless, wanton, and/or willful conduct warrants punitive liability.
17. Casey sexually assaulted Mr. Armstrong and many other young male patrons of at St. Mary's Church in Cortland, New York and other places. Nonetheless, defendants **ROMAN CATHOLIC DIOCESE OF SYRACUSE** and **ST. MARY'S CHURCH**

failed to remove Casey from his position as a priest or to take any steps to keep the dangerous predator away from children. In fact, the Diocese continued to allow, encourage and/or permit Casey to have unfettered access to children.

18. Casey would take Mr. Armstrong and other boys on outings to the YMCA, the physical education center at the State University of New York at Cortland and other venues under the guise of playing sports and swimming.
19. Once at the facilities, Casey would isolate the boys, kiss them, hug them, force them to shower with him naked, force the boys to touch his penis and other sexual abuse.
20. Casey also forced Mr. Armstrong to play “soccer” in the shower with the soap which would include physical contact including Casey fondling, groping and/or molesting Mr. Armstrong’s anus, rectum and/or penis under the guise that he was helping him not to slip and fall. After the “game”, Casey tightly hugged Mr. Armstrong and forced Mr. Armstrong to touch Casey’s penis, forcing him to touch same and kissing Mr. Armstrong on the lips.
21. Casey would instruct Mr. Armstrong to touch his body with soap and Casey would do the same thing to Mr. Armstrong.
22. Casey also demanded that Mr. Armstrong touch his “private place” with soap while pointing to his erect penis. Mr. Armstrong had no choice but to repeatedly touch Casey’s erect penis and then Casey did the same thing to Mr. Armstrong.
23. Mr. Armstrong felt horrified, ashamed and disgusted, but obliged because of Casey’s role as a priest.
24. Casey manipulated Mr. Armstrong and other boys not to disclose his predatory behavior claiming he would never do anything to harm them, by buying them ice cream,

instructing them not to tell anybody about their “little secret”, and using his position of authority as a priest provided to him by the Diocese.

25. Mr. Armstrong was sexually abused by Father Casey approximately 12 times. The abuse occurred in locker rooms at the physical education center at the State University of New York at Cortland, the local YMCA, in Father Casey’s vehicle and other places.
26. As a result of the actions of Casey, Mr. Armstrong felt and continues to feel ashamed and uncomfortable. Mr. Armstrong had endured and continues to suffer severe emotional distress due to the Diocese’s negligence.
27. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendants **ROMAN CATHOLIC DIOCESE OF SYRACUSE’s and ST. MARY’S CHURCH’s** negligence in failing to protect the children of its parish in locis parentis, and of its community safe from Casey despite the Diocese having knowledge that Casey sexually abused children and/or had the propensity to sexually abuse children, and/or allowing Casey to continue to have his role and position of authority and power, and the Diocese failed to adequately supervise Casey.

AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE

AS FOR THE ROMAN CATHOLIC DIOCESE OF SYRACUSE

28. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 27., inclusive, with the same force and effect as if hereinafter set forth at length.
29. At all times mentioned herein, defendant **ROMAN CATHOLIC DIOCESE OF SYRACUSE** owed a duty of care to keep the children of its parishes, including plaintiff, safe from sexual abuse by its clergymen under its supervision and control, including on

company premises, that ultimately befell the Plaintiff, including but not limited to in locis parentis, and they had a duty to supervise Casey.

30. At all times mentioned herein, defendant **ROMAN CATHOLIC DIOCESE OF SYRACUSE** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted repeatedly.
31. As a result of the negligence of defendant **ROMAN CATHOLIC DIOCESE OF SYRACUSE** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
32. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
33. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
34. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
35. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE

AS FOR ST. MARY'S CHURCH

36. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 35., inclusive, with the same force and effect as if hereinafter set forth at length.

37. At all times mentioned herein, defendant **ST. MARY'S CHURCH** owed a duty of care to keep the children of its parishes, including plaintiff, safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff, including but not limited to *in locis parentis*, and they had a duty to supervise Casey.
38. At all times mentioned herein, defendant **ST. MARY'S CHURCH** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted repeatedly.
39. As a result of the negligence of defendant **ST. MARY'S CHURCH** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
40. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
41. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
42. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
43. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A THIRD CAUSE OF ACTION

FOR NEGLIGENT HIRING, RETENTION AND SUPERVISION

AS FOR THE ROMAN CATHOLIC DIOCESE OF SYRACUSE

44. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 43., inclusive, with the same force and effect as if hereinafter set forth at length.
45. Defendant **ROMAN CATHOLIC DIOCESE OF SYRACUSE** had a duty to supervise and prevent known risks of harm to young patrons and children of its parishes by its clergymen.
46. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Casey, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
47. Defendant **ROMAN CATHOLIC DIOCESE OF SYRACUSE** knew or should have known that Father Casey sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it, and in fact, continued to allow him to do so without any supervision.
48. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
49. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
50. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.

51. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
52. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,

RETENTION AND SUPERVISION AS FOR ST. MARY'S CHURCH

53. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 52., inclusive, with the same force and effect as if hereinafter set forth at length.
54. Defendant **ST. MARY'S CHURCH**, had a duty to supervise and prevent known risks of harm to young patrons and children of its parishes by its clergymen.
55. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Casey, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
56. Defendant **ST. MARY'S CHURCH** knew or should have known that Father Casey sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it, and in fact, continued to allow him to do so without any supervision.
57. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
58. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.

59. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
60. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
61. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR THE FIFTH CAUSE OF ACTION

FOR NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS

AS FOR THE ROMAN CATHOLIC DIOCESE OF SYRACUSE

62. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 61., inclusive, with the same force and effect as if herein set forth at length.
63. Defendant **ROMAN CATHOLIC DIOCESE OF SYRACUSE** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father Casey, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
64. Defendant **ROMAN CATHOLIC DIOCESE OF SYRACUSE** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
65. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Casey.
66. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Casey sexually abusing Plaintiff.

67. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
68. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
69. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
70. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFILCTION OF
EMOTIONAL DISTRESS AS FOR ST. MARY'S CHURCH**

71. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 70., inclusive, with the same force and effect as if herein set forth at length.
72. Defendant **ST. MARY'S CHURCH** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father Casey, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
73. Defendant **ST. MARY'S CHURCH** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
74. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Casey.
75. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Casey sexually abusing Plaintiff.

76. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
77. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
78. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
79. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 
Jordan K. Merson
Attorney for Plaintiffs
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

Index No.:

/19

TIMOTHY ARMSTRONG,

Plaintiff,

-against -

**ATTORNEY
VERIFICATION**

ROMAN CATHOLIC DIOCESE OF SYRACUSE and
ST. MARY'S CHURCH,

Defendants.

-----X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affiant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 14, 2019



JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

TIMOTHY ARMSTRONG,

Plaintiff,

- against -

ROMAN CATHOLIC DIOCESE OF SYRACUSE and
ST. MARY'S CHURCH

Defendants,

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone
150 East 58th Street 34th Fl.
New York, New York 10155
(212) 603-9100

To: All Parties
